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May 3, 2023

Via ECF:

Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Libretti v. NYC Department of Sanitation,
22-cv-10561 (JPC)

Dear Judge Cronan:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent the Defendant New York City Department of Sanitation (“DSNY”) in the above-referenced matter. Pursuant to the Court’s Individuals Rules, Defendant has answered the below inquiries and respectfully submits this letter requesting a 45 day extension for the time to file responsive papers to Plaintiff Pro Se’s Complaint from May 8, 2023 to June 23, 2023.

(1) the original date(s) set for the appearance or deadline(s) and the new date(s) requested;

Pursuant with the Federal Rules of Civil Procedure, the original due date for Defendant’s responsive filing is May 8, 2023. There was no due date scheduled by this Court. This is the only date on which Defendant is seeking an extension. As explained below, Defendant requests a 45 day extension to June 23, 2023.

(2) The reason(s) for the request;

I request this extension because I was only just assigned the case recently and I need this time to investigate and fully respond to the allegations of the Complaint. Moreover, this additional time would permit the Defendant to submit a full and complete response to the Court.

(3) the number of previous requests for adjournment or extension;

No prior requests for adjournment or extension have been made.

(4) whether those previous requests were granted or denied; and

No prior requests for adjournment or extension have been made.

(5) whether the opposing party consents, and, if not, the reasons given by the opposing party for refusing to consent.

Plaintiff does not consent to this request. He reported in an email exchanged between the parties that he feels it is “not fair to have an extension because of the continued hardship that the well-documented discrimination has caused.” Plaintiff further stated that he believes “[t]he harm outweighs the unstated need for such an extension at the present time.” Moreover, Plaintiff believes the “provided time to submit a response to the complaint is fair, per the judge's order.” Additionally, Plaintiff stated that “having an extension granted infringes upon [his] right that justice is being administered in a fair and timely manner.”

Notwithstanding Plaintiff's contentions, Defendant respectfully requests that the Court grant this 45 day extension, from May 8, 2023 to June 23, 2023, to permit Defendant the time to file a responsive filing to Plaintiff's Complaint.

I thank the Court for consideration of this request.

Respectfully,

/s/ *David Holmes*

David V. Holmes
Assistant Corporation Counsel

Cc: Thomas Libretti, *Plaintiff Pro Se* (via ECF and email)